

JONATHAN MARKS, P.C.

ATTORNEY AT LAW
220 FIFTH AVENUE
3RD FLOOR
NEW YORK, N.Y. 10001

E-MAIL: jon@jonmarks.com
URL: jonmarks.com

TEL: (212) 545-8008
FAX: (212) 889-3595

September 5, 2008

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
United States Courthouse
300 Quarropas Street
White Plains, NY 10601

Re: *United States v. Fabio Serafim*
08 CR 423 (KMK)

Dear Judge Karas:

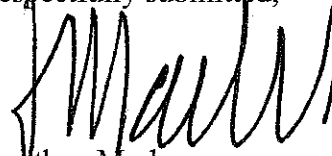
I represent Fabio Serafim and write to Your Honor in support of a sentence of 24 months. The Guidelines range is 24 to 30 months. I submit that a sentence at the low end of the Guidelines range is sufficient but not greater than necessary to satisfy the purposes of 18 U.S.C. §3553(a).

Based on a misunderstanding of the nature of Mr. Serafim's crime, the Probation Department recommends a sentence of 28 months. In support of its recommendation, Probation writes: "[I]t appears that Serafim was involved in a large-scale identification theft scheme, which has plagued the community harshly, oftentimes causing people a magnitude of problems to correct." (PSR, p. 14). He was not. Although, I understand that one of his customers used a false social security number belonging to a four-year-old girl, he was not engaged in "large-scale identification theft." Mr. Serafim provided false documents, such as utility bills and birth certificates, to aliens in order to allow them to obtain Oregon driver's licenses *in their own names*. Although a serious crime, this is not a case in which, as a result of identification theft, individual victims suffered damage to their credit standings or otherwise were otherwise caused people "a magnitude of problems to correct." The Probation Department is absolutely right in its assessment of the harm caused by identification fraud. But Mr. Serafim did not cause such harm.

The Honorable Kenneth M. Karas
September 5, 2008
Page 2

Given Mr. Serafim's acceptance of responsibility, the fact that there were no individual victims and the fact that he will be deported upon completion of his sentence, I respectfully request the Your Honor impose a sentence of no greater than 24 months.

Respectfully submitted,



Jonathan Marks

cc: Anna M. Skotko, Esq.
Assistant United States Attorney

Sandra Campbell
U. S. Probation Officer